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NOTE VERBALE

The Ministry of Foreign Affairs of the Republic of Cyprus presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's Note of 21 October 2002, No. 11 regarding issues related to United States military and civilian personnel of the United States Department of Defence who may be present in the Republic of Cyprus in connection with cooperative efforts in response to terrorism, humanitarian assistance, United States Navy port visits, United States aircraft landings, and other agreed activities.

The Ministry of Foreign Affairs wishes to inform the US Embassy of the decision of the Council of Ministers on 13 November 2002 No 56.753, to approve the contents contained in the Embassy's aforementioned Note. As such, the Embassy's Note, together with this Note Verbale from the Ministry informing of the decision of the Council of Ministers, shall constitute an agreement between the two Governments and shall enter into force on 5 December 2002 substituting the previous relevant agreement between the two Governments that entered into force on 3 July 2002. This agreement may be terminated through a Note Verbale to this effect by either Party.

The Ministry of Foreign Affairs of the Republic of Cyprus avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Nicosia, 5 December 2002

To the Embassy of the United States of America
Nicosia

No. 011

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Cyprus and has the honor to refer to recent discussions between representatives of our two governments regarding issues related to United States military and civilian personnel of the United States Department of Defense who may be present in the Republic of Cyprus in connection with cooperative efforts in response to terrorism, humanitarian assistance, United States Navy port visits, United States aircraft landings, and other agreed activities.

As a result of these discussions, the Embassy proposes that such personnel be accorded a status equivalent to that accorded to the administrative and technical staff of the Embassy of the United States of America under the Vienna Convention on Diplomatic relations of April 18, 1961; that United States personnel be permitted to enter and exit the Republic of Cyprus with United States identification and with collective movement or individual travel orders; that Cypriot authorities shall accept as valid, without a driving fee or test, driving licenses or permits issued by the appropriate United States authorities to United States personnel for the operation of vehicles; and that such personnel be authorized to wear uniforms while performing official duties and to carry weapons when their orders call for it.

The embassy further proposes that vehicles, vessels, and aircraft owned or operated by or for the United States armed forces shall not be subject to the payment of landing, navigation, overflight or parking charges, port and pilotage fees, or overland transit fees while in the Republic of Cyprus; however, the United States armed forces shall pay reasonable charges for services requested and received. Aircraft, vessels, and vehicles of the United States shall be free of inspections.

The Government of the United States of America, its military and civilian personnel, and its contractors and contractor personnel shall not be liable to pay any tax or similar charge assessed within the territory of the Republic of Cyprus.

The Government of the United States of America, its military and civilian personnel, and its contractors and contractor personnel may import into, export out of, and use in the Republic of Cyprus any personal property, equipment, supplies, materials, technology, training or services required to implement this agreement. Such importation, exportation, and use shall be exempt from any inspection, license, other restrictions, customs duties, taxes, or any other charges assessed within the territory of the Republic of Cyprus.

In the event that the Government of the United States of America awards contracts for the acquisition of articles and services, including construction, to implement this agreement, such contracts shall be awarded in accordance with the laws and regulations of the Government of the United States of America. Acquisition of articles and services in the Republic of Cyprus by or on behalf of the Government of the United States of America in implementing this agreement shall not be subject to any taxes, customs duties, or similar charges in the territory of the Republic of Cyprus.

The Government of the Republic of Cyprus recognizes the particular importance of disciplinary control by United States military authorities over United States personnel and, therefore, the Government of the Republic of Cyprus authorizes the United States Government to exercise criminal jurisdiction over such personnel. The Government of the Republic of Cyprus and the Government of the United States of America confirm that such personnel may only be surrendered to, or otherwise transferred to the custody of the Government of the United States of America.

The Government of the Republic of Cyprus recognizes that it shall be necessary for United States personnel and systems to use the radio spectrum. The Government of the United States of America shall be allowed to operate its own telecommunication systems (as telecommunication is defined in the 1992 constitution of the International Telecommunication Union). This shall include the right to utilize such means and services as required to assure full ability to operate telecommunication systems and the right to use all necessary radio spectrum for this purpose. Use of radio spectrum shall be free of cost.

The Governments of the United States of America and the Republic of Cyprus shall cooperate in taking such steps as shall be necessary to ensure the security of United States personnel and property in the territory of Cyprus.

Finally, the Embassy proposes that, other than contractual claims, the parties waive any and all claims against each other for damage to, loss of, or destruction of property owned by each party or death or injury to any military or civilian personnel of either party arising out of activities in the Republic of Cyprus under this agreement. Claims by third parties arising out of the acts or omissions of any United States personnel may, at the discretion of the Government of the United States of America, be dealt with and settled by the Government of the United States of America in accordance with United States law.

If the foregoing is acceptable to the Government of the Republic of Cyprus, the Embassy proposes that this note, together with the Ministry's reply to that effect, shall constitute an agreement between the two Governments which shall enter into force on the date of the Ministry's reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America,

Nicosia, 21 October 2002.